

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

RONNIE DANTE THOMAS,

Defendant-Appellant.

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UNPUBLISHED

April 26, 2007

No. 267334

Kent Circuit Court

LC No. 04-005980-FC

Before: Meter, P.J., and Kelly and Fort Hood, JJ.

MEMORANDUM.

Defendant was convicted by a jury of carjacking, MCL 750.529a, and armed robbery, MCL 750.529. He was sentenced as a second habitual offender, MCL 769.10, to concurrent prison terms of 22 to 66 years for the carjacking conviction and 20 to 60 years for the armed robbery conviction. He appeals as of right. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Defendant contends that the trial court erred by giving an unduly coercive deadlocked jury instruction. But defendant waived this issue because defense counsel approved the instruction.

Waiver is the “intentional relinquishment or abandonment of a known right.” *People v Carines*, 460 Mich 750, 762 n 7; 597 NW2d 130 (1999), quoting *United States v Olano*, 507 US 725, 733; 113 S Ct 1770; 123 L Ed 2d 508 (1993). Generally, when defense counsel expresses satisfaction with specific actions of the trial court, the defendant waives the right to appellate review of those actions. *People v Carter*, 462 Mich 206, 219; 612 NW2d 144 (2000). Waiver extinguishes any error with regard to an issue and precludes appellate review of the issue. *Id.* at 215-216.

On the second day of jury deliberations, the jury informed the judge that they could not reach a verdict. The judge then gave the deadlocked jury instruction and sent the jury back to deliberate. Thereafter, the judge asked defense counsel if there was any comment, to which defense counsel responded, “No”. Defense counsel’s negative response indicated that she was satisfied with the trial court’s jury instructions. See *People v Fetterley*, 229 Mich App 511, 518; 583 NW2d 199 (1998). Therefore, defendant has waived this issue.

Affirmed.

/s/ Patrick M. Meter

/s/ Kirsten Frank Kelly

/s/ Karen M. Fort Hood